

# EXHIBIT A

# epstein ostrove, llc

Attorneys at Law

MANAGING PARTNERS

Daniel N. Epstein \*

Elliot D. Ostrove

\* Certified by the Supreme Court of  
New Jersey as a Civil Trial Attorney

March 9, 2021

**Via eCourts**

Mercer County Superior Court  
175 South Broad Street  
Trenton, NJ 08608

Attn.: Filing Clerk

**Re: Martha Macas-Dominguez and Jason Bouley, her husband, Plaintiffs vs. Bloomin' Brands, Inc. d/b/a Bonefish Grill, Federal Realty Investment Trust, John Does I-X, ABC Corp. I-X, Defendant(s)**  
**Docket No.: MER-L-**

Dear Sir/Madam:

Enclosed please find a Complaint for filing. Kindly charge our firm's account number 143877 in the amount of \$250.00 for the requisite filing fee. Please mark a copy "filed" and return to my office.

Respectfully,  
EPSTEIN OSTROVE, LLC

By:  SALOMAO NASCIMENTO, Esq.

SN/jfp  
Enclosure

NEW JERSEY

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**EPSTEIN OSTROVE, LLC**  
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(732) 828-8600  
Attorney for Plaintiffs

MARTHA MACAS-DOMINGUEZ, and	:	SUPERIOR COURT OF NEW JERSEY
JASON BOULEY, her husband,	:	LAW DIVISION
	:	MERCER COUNTY
Plaintiffs,	:	
vs.	:	DOCKET NO.: MER-L-
	:	
BLOOMIN' BRANDS, INC. d/b/a	:	CIVIL ACTION
BONEFISH GRILL,	:	
FEDERAL REALTY INVESTMENT TRUST,	:	<b>COMPLAINT,</b>
JOHN DOES I-X (said names being	:	<b>DESIGNATION OF TRIAL COUNSEL,</b>
fictitious, true names presently unknown),	:	<b>NOTICE TO PRODUCE, DEMAND FOR</b>
ABC CORP. I-X (said names being	:	<b>INSURANCE, DEMAND FOR</b>
fictitious, true name presently unknown),	:	<b>INTERROGATORIES AND JURY DEMAND</b>
	:	
Defendants.	:	

Plaintiffs, MARTHA MACAS-DOMINGUEZ, and JASON BOULEY, her husband, residing at 752 Windsor Commons, Township of East Windsor, County of Mercer, and State of New Jersey, by way of Complaint against the Defendants, say:

# **PARTIES**

1. Plaintiff, MARTHA MACAS-DOMINGUEZ, is an individual residing at 752 Windsor Commons, Township of East Windsor, County of Mercer, and State of New Jersey.

2. Plaintiff, JASON BOULEY, is an individual residing at 752 Windsor Commons, Township of East Windsor, County of Mercer, and State of New Jersey, was the husband of the Plaintiff, MARTHA MACAS-DOMINGUEZ, on January 10, 2020, and continuing to the present.

3. Defendant, BLOOMIN' BRANDS, INC. d/b/a BONEFISH GRILL (hereinafter, "BONEFISH GRILL"), is licensed to do business in the State of New Jersey and operates at 3371

Brunswick Pike, Suite 250B, Township of Lawrenceville, County of Mercer, State of New Jersey.

4. Defendant, FEDERAL REALTY INVESTMENT TRUST, is a corporation licensed to do business in the State of New Jersey, does business in the County of Mercer, and is the owner of the premises located at 3371 Brunswick Pike, Suite 250B, Township of Lawrenceville, County of Mercer, State of New Jersey.

5. Upon information and belief, the Defendants, JOHN DOES I-X, are individuals whose names and addresses are unknown.

6. Upon information and belief, the Defendants, ABC CORP. I-X, are legal entities, the names and addresses of whom are unknown.

#### **FIRST COUNT**

7. On or about January 10, 2020, the Plaintiff, MARTHA MACAS-DOMINGUEZ, was a business invitee legally and lawfully allowed to enter the premises owned, operated, controlled, and/or maintained by the Defendants, BONEFISH GRILL, FEDERAL REALTY INVESTMENT TRUST, JOHN DOES I-X, and ABC CORP. I-X, located at 3371 Brunswick Pike, Township of Lawrenceville, County of Mercer, State of New Jersey.

8. As a direct and proximate result of the negligence of the Defendants, BONEFISH GRILL, FEDERAL REALTY INVESTMENT TRUST, JOHN DOES I-X, and ABC CORP. I-X, in the manner in which the said premises was constructed, maintained, repaired, and supervised, the Plaintiff, MARTHA MACAS-DOMINGUEZ, was caused to suffer permanent injuries when she was caused to fall at the said premises on the date referenced herein; she was caused to suffer great pain and will be caused to suffer great pain in the future; and she was caused to incur medical expenses and will be caused to incur medical expenses in the future.

**WHEREFORE**, the Plaintiff, MARTHA MACAS-DOMINGUEZ, demands judgment against the Defendants, BONEFISH GRILL, FEDERAL REALTY INVESTMENT TRUST, JOHN DOES I-X, and



ABC CORP. I-X, jointly, severally and/or in the alternative for money damages, interest, and costs of suit.

**SECOND COUNT**

9. Plaintiff, MARTHA MACAS-DOMINGUEZ, repeats the allegations contained above as if set forth herein at length.

10. Defendants, BONEFISH GRILL, FEDERAL REALTY INVESTMENT TRUST, JOHN DOES I-X, and ABC CORP. I-X (names unknown being individuals or entities who were responsible for the construction, ownership, operation, supervision, maintenance and/or repair of the premises in question), were negligent in the manner in which the said premises were constructed, owned, operated, supervised, maintained, and/or repaired.

11. As a direct and proximate result of the negligence of the Defendants, BONEFISH GRILL, FEDERAL REALTY INVESTMENT TRUST, JOHN DOES I-X, and ABC CORP. I-X, the Plaintiff, MARTHA MACAS-DOMINGUEZ, was caused to suffer permanent injuries; she was caused to suffer great pain and will be caused to suffer great pain in the future; and she was caused to incur medical expenses and will be caused to incur medical expenses in the future.

**WHEREFORE**, the Plaintiff, MARTHA MACAS-DOMINGUEZ, demands judgment against the Defendants, BONEFISH GRILL, FEDERAL REALTY INVESTMENT TRUST, JOHN DOES I-X, ABC CORP. I-X, jointly, severally and/or in the alternative for money damages, interest, and costs of suit.

**THIRD COUNT**

12. Plaintiff, MARTHA MACAS-DOMINGUEZ, repeats the allegations contained above as if set forth herein at length.

13. Plaintiff herein alleges that there was a breach of regulations that constitutes a statutory tort.

**WHEREFORE**, the Plaintiff, MARTHA MACAS-DOMINGUEZ, demands judgment against the Defendants, BONEFISH GRILL, FEDERAL REALTY INVESTMENT TRUST, JOHN DOES I-X, and ABC CORP. I-X, jointly, severally and/or in the alternative for money damages, interest, and costs of suit.

**FOURTH COUNT**

14. Plaintiff, JASON BOULEY, repeats the allegations contained above as if set forth herein at length.

15. At the time of the accident and down to the present date, the Plaintiff, JASON BOULEY, has been the husband of the Plaintiff, MARTHA MACAS-DOMINGUEZ, and as such is entitled to her love, services, and consortium all of which he has been deprived of due to the negligence of the Defendants, BONEFISH GRILL, FEDERAL REALTY INVESTMENT TRUST, JOHN DOES I-X, and ABC CORP. I-X.

**WHEREFORE**, the Plaintiff, JASON BOULEY, demands judgment against the Defendants, BONEFISH GRILL, FEDERAL REALTY INVESTMENT TRUST, JOHN DOES I-X, ABC CORP. I-X, jointly, severally and/or in the alternative for money damages, interest, and costs of suit.

**DEMAND FOR TRIAL BY JURY**

Plaintiffs hereby demand a trial by jury as to all issues so triable.

**DESIGNATION OF TRIAL COUNSEL**

Daniel N. Epstein, Esq. is hereby designated as trial counsel for the Plaintiffs in the within matter.

**EPSTEIN OSTROVE, LLC**  
Attorneys for Plaintiffs

Dated: March 9, 2021

BY:

  
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DANIEL N. EPSTEIN, Esq.

**DEMAND FOR ANSWERS TO UNIFORM INTERROGATORIES**

Pursuant to R. 4:17-1, the Plaintiffs, MARTHA MACAS-DOMINGUEZ and JASON BOULEY, her husband, hereby demand answers to Uniform Interrogatories Form C Personal Injury Interrogatories and Uniform Interrogatories Form C (2) of all Defendants within the time prescribed by the Rules of the Court.

**DEMAND FOR DISCOVERY OF INSURANCE**

Pursuant to R. 4:10(b), demand is hereby made that Defendants disclose to Plaintiff's attorney whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment and provide Plaintiff's attorney with true copies of such insurance agreements or policies including, but not limited to, any and all declaration sheets. This demand shall be deemed to include and cover not only primary coverage, but also any and all excess, catastrophe, and umbrella policies.

**NOTICE TO PRODUCE**

**PLEASE TAKE NOTICE** that in accordance with the Rules of Court, you are hereby required to produce and complete copies of the following documents at the law offices of EPSTEIN OSTROVE, LLC located at 200 Metroplex Drive, Suite 304, Edison, New Jersey, within thirty (30) days of receipt of this Notice:

1. The amounts of any and all insurance coverage covering the Defendant, including but not limited to, primary insurance policies, secondary insurance policies and/or umbrella insurance policies. For each such policy of insurance, supply a copy of the declaration page therefrom.
2. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.
3. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions or accounts concerning the individuals involved in the incident in question, the property damage sustained, the accident scene, or anything else relevant to the incident in question.
4. Copies of any and all signed or unsigned statements, documents, communications, and/or



transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness, or any other individual, businesses, corporation, investigative authority, or other entity concerning anything relevant to the incident in question.

5. Copies of any and all documentation, including but not limited to, any contracts between the owner of the property or product involved in the incident in question and any of the parties involved in this matter.

6. Copies of any and all contracts between any of the parties involved in the incident in question.

7. Copies of any and all documentation concerning any lease agreements between the lessor(s) and the lessee(s) concerning the incident in question.

8. Copies of any and all permits applied for by the parties to the action in question concerning either the product in question, the accident scene, or anything else relevant to the happening of the accident in question.

9. Copies of any and all permits received by the parties to the action in question concerning either the product in question, the accident scene, or anything else relevant to the happening of the accident in question.

10. Copies of any and all discovery received from any other parties to the action in question.

11. Copies of any and all medical information and/or documentation concerning the Plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the incident in question.



12. Copies of any and all records of any type subpoenaed by the Defendant or received from any other source concerning the Plaintiff or the incident in question.

**EPSTEIN OSTROVE, LLC**  
Attorneys for Plaintiffs

Dated: March 9, 2021

BY:

  
\_\_\_\_\_  
SALOMAO NASCIMENTO, Esq.

**CERTIFICATION**

I hereby certify that this matter is not the subject matter of any other suit presently pending in any other court or in any American Arbitration proceedings. At this time, no other court proceeding, or American Arbitration proceeding is contemplated.

**EPSTEIN OSTROVE, LLC**  
Attorneys for Plaintiffs

Dated: March 9, 2021

BY:

  
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SALOMAO NASCIMENTO, Esq.